

## REMARKS

Claims 1-23 are pending in the present application. By this Amendment, original claims 1-2 and 4 have been amended. Applicant respectfully requests reconsideration of the present claims in view of the foregoing amendments and the following remarks.

### I. Formal Matters:

Original claims 1-23 were subject to the following election of species requirement.

#### Election of Species Requirement:

The July 13, 2010 Office Action required election of a single soil applied herbicide species. Applicant respectfully submits that the search and examination associated with soil applied herbicides recited in original claims 1-23 is not unduly burdensome on Examiner Pryor. As stated in the MPEP, §803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." For at least this reason, Applicant respectfully submits that the election of species requirement should be withdrawn.

If Examiner Pryor maintains the present election of species requirement, Applicant elects, **with traverse**, the species comprising a mixture of the (S) and (R) isomers of metolachlor in the ratio of 50-100% (S) to 50-0% (R) as recited in claim 7. If Examiner Pryor does not consider the claimed mixture to be a single species, Applicant elects, **with traverse**, the species comprising the (S) isomer of metolachlor.

Applicant respectfully submits that claims 1-7 and 16-23 read on the above elected species with claims 1-6 and 16-23 being generic.

For at least the reasons provided above, Applicant respectfully requests examination of claims 1-23 as a single group, and withdrawal of the election of species requirement.

### III. Conclusion:

Applicants submit that claims 1-23 define patentable subject matter. Accordingly,

Applicant respectfully requests allowance of these claims.

Should Examiner Pryor believe that further action is necessary to place the application in better condition for allowance, Examiner Pryor is respectfully requested to contact Applicant's representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 503025.

Respectfully submitted,  
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